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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,392	08/02/2001	Michael D. Kotzin	CS10466	5983

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MOTOROLA INC
600 NORTH US HIGHWAY 45
ROOM AS437
LIBERTYVILLE, IL 60048-5343

EXAMINER

VUONG, QUOCHIE B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,392

Applicant(s)

KOTZIN, MICHAEL D.

Examiner

Quochien B. Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 8 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action in response to Applicant's response filed on 05/31/2005. Claims 1-23 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art on pages 1-2 of the present specification (hereinafter simply referred to as AAPA) in view of Luzzatto (US 5,689,802) and Malackowski et al. (US 5,752,186).

Regarding claim 1, the AAPA discloses a wireless apparatus in communication with a first wireless communication system and also in communication with a second wireless communication system (see pages 1-2 of the present specification). The AAPA fails to disclose determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units and providing a reward to the apparatus as recited in the claim. Luzzatto discloses determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units (see column 2 lines 31-38 and column 3 lines 19-66). Therefore, it would have been obvious

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to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Luzzatto to the AAPA, in order to increase the communication range of proximal wireless units (as suggested by Luzzatto at column 1 lines 10-39). The combination of the admitted prior art and Luzzatto fails to disclose providing a reward to the apparatus as recited in the claim. However, Malackowski discloses providing a reward to a communication apparatus when the user of the communication apparatus agrees to participate a service (see column 3 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Malackowski to the above combination, in order to encourage the user of the wireless apparatus to allow shared use of its wireless resources with proximal wireless units (as suggested by Malackowski at column 3 lines 1-12).

As to claims 2-7 and 10, it is apparent that as the combination of the AAPA, Luzzatto and Malackowski is made for the reasons as set forth above, the above combination would read on the claimed limitations.

As to claim 9, the combination of AAPA, Luzzatto and Malackowski does not disclose an optical local area network. However, examiner takes Official notice that optical local area network is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the well known optical local area network to the combination above in order to provide the same service using optical medium as a system design preference.

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3. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzzatto (US 5,689,802) in view of Malackowski et al. (US 5,752,186).

Regarding claim 11, Luzzatto discloses a method for communicating information comprising: receiving data representing whether a user desires to participate in allowing a wireless apparatus to share its wireless resources with proximal wireless units (column 2, lines 35-38); determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units (see column 2 lines 31-38 and column 3 lines 19-66). Luzzatto fails to disclose providing a reward to the apparatus as recited in the claim. However, Malackowski discloses providing a reward to a communication apparatus when the user of the communication apparatus agrees to participate a service (see column 3 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Malackowski to the method of Luzzatto, in order to encourage the user of the wireless apparatus to allow shared use of its wireless resources with proximal wireless units (as suggested by Malackowski at column 3 lines 1-12).

As to claims 12 and 13, it is apparent that as the combination of Luzzatto and Malackowski is made for the reasons as set forth above, the above combination would read on the claimed limitations.

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4. Claims 21- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art on pages 1-2 of the present specification (AAPA) in view of Luzzatto (US 5,689,802).

a method for communicating information via a wireless apparatus comprising: providing selectable enabling by a user of whether the wireless apparatus will allow shared use of its wireless resources with proximal wireless units (column 2, lines 35-38); and allowing shared use of wireless resources, by the wireless apparatus in response to a selected enablement of shared use (see column 2 lines 31-38 and column 3 lines 19-66).

Regarding claim 21, the AAPA discloses a wireless method for communicating information via a wireless apparatus communicating with a first wireless communication system and also in communication with a second wireless communication system (see pages 1-2 of the present specification). The AAPA fails to disclose determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units method as recited in the claim. Luzzatto discloses determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units (see column 2 lines 31-38 and column 3 lines 19-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Luzzatto to the AAPA, in order to increase the communication range of proximal wireless units (as suggested by Luzzatto at column 1 lines 10-39).

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As to claims 22 and 23, the AAPA and Luzzatto disclose the method of claim 21; in addition, Luzzatto discloses the proximal wireless units communicate with each other via a wireless network (column 4, lines 14-21). Luzzatto does not specifically disclose the wireless network is a wireless wide area network or wireless local area network. However, examiner takes Official notice that wireless wide or local area network is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the well known wireless wide or local area network to the method of the AAPA and Luzzatto in order to provide the same service in the wireless wide or local area network as a system design preference.

Response to Arguments

5. Applicant's arguments filed 05/31/2005 have been fully considered but they are not persuasive.

Applicant argues that Luzzatto and Malackowski fail to teach providing a reward for sharing a wireless resource. However, the examiner does not agree with the Applicant. Sine Luzzatto discloses sharing the wireless resource (column 2 lines 31-38 and column 3 lines 19-66) and Malackowski disclose rewarding a user for doing something for the network (see column 3 lines 1-12). Therefore, the combination of Luzzatto and Mackowski as a whole would reward the user for sharing the wireless resource in order to encourage the user of the wireless apparatus to allow shared use of its wireless resources with proximal wireless units.

Allowable Subject Matter

6. Claims 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8 and 14 are objected with the same reasons set forth in the previous Office action mailed 12/28/2004.

7. Claims 15-20 are allowed over the cited prior art.

Claims 15-20 are allowable with the same reasons set forth in the previous Office action mailed 12/28/2004.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong

Aug. 17, 2005.